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Judge Colleen McMahon

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: Coronavirus/COVID-19 Pandemic

M-10-468 (CM)

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This Document Relates To: Waiver of National Policy Requirement for Officer-Related Activities in certain GPS cases during the COVID-19 Pandemic

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McMahon, C.J.:

WHEREAS, the COVID-19 pandemic is having severe and unprecedented impact on the resources and staffing levels of the Southern District of New York's Probation and Pretrial Services Offices, including specifically a severe shortage of location monitoring equipment; and

WHEREAS the judges of the court frequently delegate to Probation and Pretrial Services the discretion to select the monitoring equipment type (ie. GPS vs. RF) to be used in each case based on an individual risk assessment of those cases; and

WHEREAS, a nationwide shortage of Radio Frequency (RF) devices will force the office to utilize GPS devices in cases where RF would otherwise have been determined to be most appropriate; and

WHEREAS, national policy requires enhanced activities to be performed by officers with respect to cases in which GPS devices are used, including, among other things, daily review of maps even in the absence of movement; and

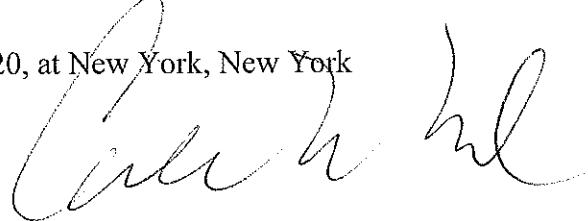
WHEREAS such activities not required by national policy when using RF equipment; and

WHEREAS, Probation and Pretrial Services should not be required to conduct activities that would not have been required if RF devices were available, simply because they are using GPS devices since RF devices are not available;

IT IS HEREBY ORDERED that additional monitoring activities normally required by national policy for cases in which GPS equipment is used need not be conducted in cases where GPS equipment is being used in lieu of RF equipment, where RF would otherwise have been utilized but for the equipment shortfall; and it is further

ORDERED, that this directive shall remain in effect until further order of the court, with the expectation that the court will revoke this Standing Order at the end of the COVID-19 Pandemic Crisis.

Entered this second day of April, 2020, at New York, New York

A handwritten signature in black ink, appearing to read "John J. Gilligan".

Chief Judge